

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35639 of 2007(P)

PETITIONER:

1. N.KAMARUDHEEN, S/O. UMMERKUTTY HAJEE,
AGED 44, STALL NO.1, FISH MARKET BUILDING,
BADAGARA.
2. P.V.C.ABBAS, S/O. KUNHAHAMMED MUSALIAR,
AGED 60, STALL NO.2, FISH MARKET BUILDING,
BADAGARA.
3. K.MAHAMOOD, S/O. ABDULLA, AGED 51,
STALL NO.3, FISH MARKET BUILDING, BADAGARA.
4. C.EBRAHIM HAJEE, S/O. KUNHIMARAKKAR,
AGED 55, STALL NO.4, FISH MARKET BUILDING,
BADAGARA.
5. HABEEBUR REHMAN, S/O. LATE
C.T.K.MOHAMMED, AGED 24, STALL NO.5, FISH MARKET
BUILDING, BADAGARA.
6. C.MAMOO, S/O. KUNHIMARAKKAR,
STALL NO.6, FISH MARKET BUILDING & 5/15,
THAZHE ANGADI MARKET, BADAGARA.
7. M.C.NAZAR, S/O. EBRAHIM HAJEE, AGED 42,
STALL NOS.7 AND 8, FISH MARKET BUILDING,
BADAGARA.
8. C.ABDUL RAHIMAN HAJEE, S/O. HASSAN,
AGED 64, 8/3, THAZHE ANGADI MARKET, BADAGARA.
9. M.K.SAINABA, D/O. MUHAMMED, AGED 45,
8/1, THAZHE ANGADI MARKET, BADAGARA.
10. SISIL KUMAR, S/O. LATE K.P.ONAKKAN,
AGED 35, 14/2, KARIMBANA PALAM, BADAGARA.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON
SMT.V.DEEPA

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, TRIVANDRUM.
2. THE KERALA STATE POLLUTION CONTROL
BOARD, REPRESENTED BY ITS CHAIRMAN, PATTOM POST,
TRIVANDRUM.
3. THE BADAGARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
BADAGARA.

BY G.P. SRI.K.J.MUHAMMED ANZAR (R1)
BY S.C. SRI.M.K.CHANDRAMOHAN DAS (R2)
BY S.C. SRI.S.SATHISH KUMAR (R3)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.35639 of 2007

Dated this the 1st day of December, 2007

JUDGMENT

Under challenge in this writ petition is Ext.P2 to Ext.P4 notices issued by the Badagara Municipality to various meat stall owners. A careful perusal of the notices will show that they have been issued pursuant to a general order issued by the Pollution Control Board, which in turn, was on the basis of the judgment of the Supreme Court in W.P.(C) No.309/2003. The first prayer in the writ petition is that a writ of mandamus be issued commanding the Municipality to provide a slaughter house within the area of the Municipality within a time frame so that the petitioners will be able to conduct their business in conformity with the directions of the Supreme Court and the Pollution Control Board. It is seen that the petitioners are yet to make a representation before the Municipality in that regard.

2. I dispose of the writ petition permitting the petitioners to submit a comprehensive representation before the Municipality voicing all their grievances and expressing their willingness to conduct meat stalls strictly in accordance with the guidelines issued by the Pollution Control Board and the Supreme Court. If the Municipality receives such a representation

from the petitioners within three weeks of the petitioners receiving a copy of this judgment, the Municipality will consider the representation in the light of the various grounds raised in this writ petition, hear a representative of the petitioners and take a correct and just decision. Decision as directed above will be taken by the Municipality at his earliest and at any rate within one month of receiving a copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

dpk

PIUS C. KURIAKOSE, J.

W.P.(C) NO.

Dated this the day of , 2007

JUDGMENT

**PIUS C. KURIAKOSE,
JUDGE.**